

The California Supply Chain Jobs Alliance

July 7, 2010

Elaine Chang, Deputy Executive Officer
Cheryl Marshall, Program Supervisor
South Coast Air Quality Management District
21865 East Copley Drive
Diamond Bar, CA 91765

RE: Comments on Draft Clean Communities Plan

Dear Elaine and Cheryl:

Thank you for taking the time to meet with representatives of our coalition to explain the 2010 Draft Clean Communities Plan (Draft Plan). The California Supply Chain Jobs Alliance (CSCJA), a coalition of Southern California supply chain businesses and trade associations, appreciates the opportunity to comment on the Draft Plan. We hope that our comments can help support successful design of the final plan objectives and provide the staff further insight into industry's concerns with this program. We look forward to continued involvement in any subsequent drafts and stakeholder group meetings and the implementation of the plan measures.

There are two major concerns that CSCJA has with the plan. First, the South Coast Air Quality Management District (District) has not analyzed its authority to adopt the measures and conduct the studies it outlines in the plan. Such an analysis must be conducted before the plan is finalized. Our comments are submitted pending the District analysis of its authority to pursue these matters and the submittal of comments is not concurrence as to District authority. Second, the measures are conceptual and leave many potential approaches for reducing toxic air contaminants (TACs) on the table. We believe that District staff should further define the measures before taking the plan to the District Board for approval. Without further definition of the measures, it will be difficult for all the stakeholders to understand exactly what we are being asked to support. We look forward to continuing to work with the District and other stakeholders on developing plans and strategies that address community concerns while avoiding a burdensome patchwork of regulations and requirements.

Additionally, CSCJA would like to continue to participate in a clear and transparent process. We would appreciate staff developing a timeline or work plan for further development of the plan, and in particular of the individual measures as they begin to be implemented. This will be particularly important in the development of the Community Exposure Reduction Plans (CERPs).

Community-01: Community Exposure Reduction Plans

Community Selection Criteria. In order to fully understand this measure, we would appreciate District staff providing an explanation of the criteria used to choose the pilot locations. Given the goal of the pilot projects is to test new strategies that can be applied to other communities, we

ask staff for more details how these communities are representative of other highly impacted communities in the air basin.

Additionally, the District agreed in the Clean Communities Plan (CCP) working group meetings to incorporate a Technical Advisory Group or Task Force to guide the development of each CERP. The District should clearly describe and formalize the roles of the District, the Technical Advisory Group, and any other known stakeholder processes for each pilot and include this information in the next Draft Plan. Additionally, to avoid duplicate efforts, the staff should identify any concurrent or recent activities by other agencies specific to the pilot communities and summarize the estimated emission reductions.

Please include potential elements and scope limitations of the CERPs. Please provide further information regarding the CERP scope and content. For example, since these are called Exposure Reduction Plans, we assume the ultimate goal is to reduce exposure within the pilot community by some measurable amount. Will the scope of potential actions be limited to those that directly result in exposure reductions? Will proposed measures include those that only measure TACs in the community (e.g. air monitors)? If the District plans to include educational and economic development components, that information should be in the next Draft Plan. How will the District staff develop the geographic boundaries? Without clear guidance as to what the community plan will include, it will be difficult to ensure the right stakeholders are at the table. Clarifying these issues now will help avoid misdirecting time and resources on work that is outside the scope of the primary goals of this exercise.

Investigation and Data Verification. Please provide more detail regarding scope and examples of potential data and analysis. For example, there has been some discussion of including health surveys in the data and analysis. The parameters of the health surveys have not been discussed; however, a community health survey cannot draw conclusions regarding air toxics exposure or derived causes of any health issues. We do not agree with including data collection that lacks a direct nexus to emissions sources.

The Draft Plan also indicates the CERPs will be more qualitative and based on community input, neighborhood walks, and town hall meetings. It also indicates there will be quantitative research such as “go[ing] beyond MATES III findings [to] take a closer look at toxic exposure at the community level.” How is the District planning to reconcile the qualitative with the quantitative research in each CERP? Qualitative insights should be informed and supported by quantitative research. The District should clarify to what degree of granularity it can feasibly take the quantitative data at the community level.

It is necessary to further define “immediate action.” In Phase 4 of the pilots, we ask staff to clarify what constitutes “significant health impacts” that would trigger “immediate action” by the District. The District should include the criteria used for making such a determination and to provide examples of possible resultant “immediate actions.”

How will disagreements be resolved? The District has stated its intent for the development of CERPs to be “a collaborative process among all stakeholders to seek effective solutions.”¹

¹ Page 3-11, April 2010 Draft Clean Communities Plan

Given the variety of interested stakeholders with diverse views, the District should outline a clear protocol for resolving points of conflict in the CERP work plan and include how minority opinions will be included in the final product.

Community-02: Community Guidance for Reducing Air Toxic Exposure

When translating the information learned in the CERPs into guidelines, the District should be careful not to take a one size fits all approach, not just due to differing issues in the community, but also the resources available to the community, its businesses, and local government. We support the District's approach of assisting communities that chose to engage the District in a CERP, rather than the District selecting additional communities with which to implement CERPs.

Stationary-05: Indirect Sources

We understand this is a conceptual measure, but the vague wording makes it difficult to provide constructive and informative comment. For example, the District's "Implementation approach" compiles a menu of options to reduce exposure that could involve 1) modifying AB 2588 guidelines, 2) requiring health risk assessments for all indirect sources, 3) developing an indirect source rule for diesel, 4) various specific operational measures, or 5) developing incentives to voluntarily turnover fleets. The next Draft Plan should include a clearer outline of potential options and clarify which options will be concurrently pursued. Identifying multiple options will provide greater clarity on the intent of this measure and will enable the working group to discuss it more effectively. Also, please provide the statutory authority for each regulatory option the District is considering, including authority and process through which the District plans to work with the California Air Resources Board (ARB) to modify the AB 2588 guidelines to address mobile sources.

Applicability Criteria. The Draft Plan also states the District will "initiate development of an indirect source rule containing an applicability criteria that will account for diesel PM emissions, exposure to diesel PM, and the proximity to residential and sensitive receptors."² Staff has verbally indicated this is intended for existing and new facilities, and in most cases the facility operator, which is often the tenant, is the targeted party. If this is the case, this information should be included in the next Draft Plan. If the District takes this approach, the list of potential implementation options should only include actions over which the facility operator controls. Lastly, the measure currently includes offsite emissions, but does not provide any indications of the geographic limits of the offsite emissions that could be attributed to a facility. This should be included in the next Draft Plan.

Update to reflect current rail yard emission reductions. Please either remove the reference to the rail yards and to the San Bernardino rail yard health risk assessment, or revise Stationary-05 to reflect improvements since 2005. BNSF Railway and Union Pacific have made significant improvements at Southern California yards, and particularly at Commerce and San Bernardino rail yards, since 2005. Omitting this progress to date leaves the reader with the incorrect notion that nothing has been done to reduce emissions.

² Page 3-53, April 2010 Draft Clean Communities Plan

Approaches that Support a Healthy Economy

Part of maintaining a healthy community is sustaining a strong economy. Therefore, community stakeholders should be reflective of the entire community, including committed local businesses, non-profit organizations, local government agencies, and residents. A solutions-oriented process will address the identified air toxics related issues through actions while allowing business to continue to serve Southern California.

Figures 2-8 through 2-10 in Chapter 2

On pages 2-9 and 2-10 of the Draft Plan, the District includes figures for the MATES III model estimated District cancer risk for 1998, 2005, and 2023. Please also include the MATES III modeled cancer risk for the interim years of 2014 and 2020 to illustrate the improvements between 2005 and 2023.

We look forward to participating in the working group, and any task force that is created to work on the CERPs, to further develop and implement the Clean Communities Plan. Should you have any questions, please do not hesitate to contact me at ewarren@futureports.org or 310.982.1323, or Sarah Weldon at sarah@ceaconsulting.com or 415.421.4213 x 34.

Sincerely,



Elizabeth Warren
CSCJA Member and
Executive Director
FuturePorts

Cc: Susan Nakamura, Planning and Rules Manager